

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTEROCEAN COAL SALES, LDC

Plaintiff,

v.

EVONIK TRADING GmbH, et. al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 38(2011)
DATE FILED: 3/8/2011

11 Civ. 0940 (NRB)

STIPULATION AND ORDER TO EXTEND TIME FOR DEFENDANTS EVONIK DEGUSSA CORPORATION AND EVONIK INDUSTRIES AG TO ANSWER, MOVE OR OTHERWISE PLEAD IN RESPONSE TO PLAINTIFF'S COMPLAINT

WHEREAS on February 14, 2011, Plaintiff Interocean Coal Sales, LDC ("Plaintiff") filed its Complaint in this matter.

WHEREAS on February 18, 2011, Plaintiff filed returned Summons and Affidavit of Service stating that it served Defendant, Evonik Industries AG ("Evonik Industries"), among others, on February 15, 2011 through the New York State Secretary of State.

WHEREAS the Court's docket currently indicates that Evonik Industries' time to answer, move or otherwise plead in response to the Complaint runs on Tuesday, March 8, 2011.

WHEREAS on February 14, 2011, Plaintiff served Evonik Degussa Corporation ("Evonik Degussa").

WHEREAS Evonik Degussa's time to answer, move or otherwise plead in response to the Complaint runs on Monday, March 7, 2011.

NOW THEREFORE, Plaintiff, Evonik Industries and Evonik Degussa, through their undersigned counsel, hereby stipulate and agree as follows:

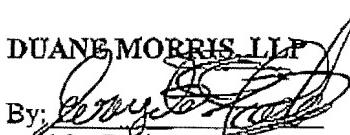
1. Plaintiff has consented to Evonik Industries and Evonik Degussa's request to extend its time to answer, move, or otherwise respond to the Complaint by twenty (20) days, up to and including Monday, March 28, 2011.

2. The parties have agreed that nothing in this Stipulation shall constitute a waiver of any rights or defenses that Evonik Industries or Evonik Degussa may have in this matter, including, but not limited to, the right to challenge the sufficiency of service of process and/or personal jurisdiction.

3. There have been no previous requests for adjournment or extension of time for Evonik Industries or Evonik Degussa to answer, move, or otherwise respond to the Complaint. The agreed upon extension will not impact any dates set forth in the above-captioned action.

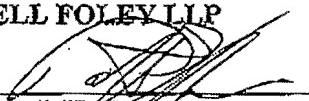
Dated: March 3, 2011, New York, New York

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Attorneys for Defendants Evonik Degussa Corporation and Evonik Industries AG.

*Attorneys for Plaintiff Intercean Coal Sales,
LDC*

To Order:

*Laurie Reed Duncan,
USDS
March 8, 2011*